

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

SHENTASIA JOHNSON,)
)
)
Plaintiff,)
)
) Case No. 3:24-cv-70
v.)
)
) Judge Atchley
)
TENNESSEE STATE BOARD OF) Magistrate Judge McCook
EDUCATION, *et al.*,)
)
Defendant.)

ORDER

On September 16, 2024, United States Magistrate Judge Jill E. McCook filed a Report and Recommendation [Doc. 11] pursuant to 28 U.S.C. § 636 and the Rules of this Court. For reasons that follow, the R&R will be **ACCEPTED** and **ADOPTED**, and this action will be **DISMISSED**.

Under the Prison Litigation Reform Act, 28 U.S.C. § 1915 (the “PLRA”), the Court must screen actions filed by plaintiffs proceeding *in forma pauperis*. If at any time the Court determines such an action is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief from a defendant who is immune from such relief, the Court must dismiss the action. 28 U.S.C. § 1915(e)(2). Judge McCook screened the Complaint [Doc. 2] pursuant to the PLRA and recommends that this action be dismissed for failure to state a claim and, as to claims against the State of Tennessee, because it is immune from suit.

Plaintiff was advised that she had 14 days to object to the Report and Recommendation and that failure to do so would forfeit any right to appeal. [Doc. 11 at 8 n.4]; *see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (“It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under

a de novo or any other standard, when neither party objects to those findings.”). The objection period has expired and Plaintiff has not made any further filings.

The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge McCook’s well-reasoned conclusions. After consideration, Judge McCook also declined to permit amendment of the complaint since Plaintiff’s claims fail as a matter of law. In light of Plaintiff’s failure to object to the R&R or otherwise seek to amend, the undersigned agrees that granting Plaintiff leave to amend is not warranted.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge McCook’s findings of fact and conclusions of law as set forth in the Report and Recommendation [Doc. 11]. This action **DISMISSED** for failure to state a claim.

A separate judgment shall enter.

SO ORDERED.

/s/ Charles E. Atchley, Jr. _____

CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE